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# Contesting the European Union at the “Poles”: a multi-level analysis of contestation of the EU’s presence in the Arctic

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# Contesting the European Union at the “Poles”: a multi-level analysis of contestation of the EU’s presence in the Arctic

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## ABSTRACT

This article searches for the types of contestation that arise to an EU presence in a region where the EU is not a dominant actor, like in the Arctic. The issue areas that this article focuses on are environmental protection, indigenous people’s rights, and (sustainable) economic development. The article presents a critical discourse analysis of the national strategy documents of EU member states, non-EU Arctic Council members and non-EU, non-Arctic observers of the Arctic Council from a discourse-historical approach. Through this analysis, the article focuses on normative/political and external/internal contestation to the EU stance represented through EU policies, positions, priorities and norms. This article concludes that there are different types of contestation to the EU from different sources in each policy area. In each of these cases of contestation, the EU makes an explicit decision about which source of contestation to engage with and about which types to remain silent.

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## Introduction

The Arctic is a region with a simple problem but a complex agenda. The stability of the region has been challenged primarily by climate change and the melting of the ice. This bears the potential for shorter maritime routes between East Asia and Northern Europe and North America. The melting of the ice also revealed that the region is rich on resources that trigger greed of both private firms and public authorities to use them to their utmost commercial benefit. All these, result in a situation where the Arctic states compete with each other on maximizing their (legally) allocated shares, and non-Arctic states want to be players in this game of competition. The indigenous peoples of the region are deprived of their traditional ways of life and try to survive to the best of their capabilities in a political and economic environment not of their own making. The Arctic Council (AC), as the main forum of dialogue in the region, has three EU member states (Denmark, Sweden and Finland), two European Economic Area (EEA) members (Norway and Iceland) and six observers from the EU (France, Germany, the Netherlands, Italy, Spain, Poland- and previously the

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UK). Its non-European observers are China, India, South Korea and Japan. Russia, Canada and the US, as Arctic countries, have different preferences on different issue areas.

This article focuses on the issue areas of environmental protection, indigenous people's rights and (sustainable) economic development. The multiplicity of actors and their diverging interests on these issues, as well as the variety of norms that they uphold in this region, make the Arctic a perfect case study to analyse the sources of contestation to EU's external policies through a multi-level (EU member states / indigenous populations and international/global) and multi-issue example.

This article searches for the reasons and sources of contestation to an EU stance in a region where the EU is not a dominant actor, like in the Arctic. In this aspect, it contributes to the Special Issue by demonstrating where the contestation to the EU comes from in this region, and how it is justified by the actors that voice this contestation. To pursue this analysis, the article looks at the national strategies of various actors in the region that all differ in their relationship with the EU. From a Foucauldian perspective, the article sees this conversation between the national strategy documents of the prominent actors of the region as an inter-textual discursive event that needs to be analysed from a discourse historical approach. The analysis is based on two conceptual foundations that focus on norm diffusion and political and normative contestation, embodied in contestation against EU policies and norms.

After introducing its theoretical framework and methodology for analysing contestation, this article will proceed by analysing contestation to EU presence in the Arctic in the policy areas of environmental protection, economic development and indigenous peoples rights. A multi-level analysis of political and normative contestation to the EU in these selected policy areas will be followed by a conclusion on the nature of contestation to the EU in these areas and its implications for the EU's "less traditional" foreign policies.

## Conceptualizing challenges to EU presence in the Arctic

Earlier works on the EU at the institutions of global governance is a valuable starting point to assess the EU's experience of contestation in the governance of the Arctic region. Some of the earlier works have conceptualized how the EU's performance can be defined, categorized and assessed (Jorgensen, Oberthür, & Shahin, 2011), others have focused on how the EU functions and pursues its own position at institutions of global governance like at the United Nations (UN) (Laatikainen & Smith 2006; Rasch, 2008), at the G20 (Debaere, 2015), the World Trade Organization (WTO) (Young, 2011), and EU in the Arctic Council (Burke, 2019; Rasputnik, 2018). This article engages with the EU's presence in Arctic governance through the contestation it faces in this region on a variety of issue areas. It engages with the literature on contestation to the EU through two main dichotomies: Internal versus external contestation to the EU policies, norms and values in the Arctic, and political versus normative contestation regarding the stance upheld by the EU.

Schmidt's (2019) categorization as "politics against policy" i.e. how the EU engages with a certain policy issue, and "politics against polity", i.e. resistance against the EU *per se*, or its institutions, forms the basis of this article's approach to political contestation to the EU's presence in the Arctic. Moreover, political contestation and the authority

embedded into the EU are closely linked (Costa, 2019). This categorization enables the article to also differentiate between normative contestation to the values and regulations the EU is upholding and political contestation against the EU's claim to an authority over the issue areas in this region. Zürn (2019)'s call for a merging of the analysis regarding politicization at national, EU and global levels to understand the dynamics of politicization is what this article does by taking into account four levels by including also the sub-national (i.e. indigenous) level.

The dynamics of norm creation and norm diffusion, and political and normative contestation in international organizations frame this article's search for the sources and legitimization of contestation to the EU in the Arctic region. Creation of new norms is a contestation of the old order in itself (Finnemore & Sikkink, 1998). The processes of diffusion of alternative norms is a competition on whose norms will eventually prevail (Checkel, 2001). Contestation of norms is sometimes a healthy process (Wiener, 2014) and sometimes a challenge to the functioning (Weiss, 2013) or the legitimacy of the system of governance (Zürn, 2018). Zürn (2018)'s focus on the linkage between authority and legitimacy of international organizations demonstrate that the challenges by rising powers or changing domestic opinions result in either deepening of an existing organization or the emergence of counter-institutionalization. Preferences of different actors for alternative institutions in the region is the most significant aspect of contestation to the EU, as this article demonstrates.

Since the EU does not hold a position of power or political leverage in this region, as it usually does in other parts of its neighbourhood like Eastern Europe or the Mediterranean, it is much easier for external contestation to be expressed (Raspotnik, 2018). On the other hand, since the EU does not have a regulating authority on the other actors of this region, it should also not be on the target of political or normative contestation (Costa, 2019; Zürn, 2018). The differences in the lived experiences of the actors in the region also legitimize the upholding of different interests. As explained by Wiener (2014), this is a struggle for "the power to define the meaning-in-use of the norms that govern a political community", based on their "difference of experience, expectation and opinion" (pp. 10–11). The Arctic is not a single political community, but a geographically squeezed region, whose governance requires tight collaboration and close cooperation between regional partners. Multiple agents aim for the diffusion of their own norms in this region, and the EU is only one of them. The next section explains how these two bases of contestation to the EU (normative and political) coming from at least two levels (internal and external) on the selected issue areas of environmental protection, indigenous peoples' rights and (sustainable) economic development are to be analysed.

### **Methodology: a discourse-historical approach to multi-level contestation in the Arctic**

This article firstly charts the EU presence in the Arctic by outlining four categories of EU stance: EU policies (solid areas of EU policy-making, where EU institutions are involved in creating the *acquis* on the issue), EU positions (common positions taken by the EU during negotiations in international fora, or positions taken by individual EU institutions like the European Parliament (EP), which have not [yet] been transformed into a solid

policy outcome), EU priorities (declared through usage of this term by either the European Commission or the Higher Representative (HR) in their relevant communication documents about a certain subject, in this case, the Arctic region) and EU norms (international treaties -or other forms of norms that uphold a certain value such as democracy -upheld by the EU during international negotiations with third parties on related subjects).

The EU's stance on the selected issue areas are covered through the analysis of three main documents: The Council Conclusions of December 2019 and the 2016 Joint Communication on An Integrated European Union Policy for the Arctic written by the European Commission and the HR are taken as the main framework documents. The third document is the EP (2017) Resolution, which mostly displays the normative contestation by the EP on the content of EU's Arctic policy pursued by the Commission and the HR.<sup>1</sup> As will be shown below, the EP generally has higher expectations from an EU presence in the Arctic and is more outspoken about which norms should be upheld and which policies should be further developed. Taking the collective EU stance as a given, the article then searches in the official Arctic strategy documents of the selected countries for contestation to the EU stance due to two potential reasons: either because others (EU member states, other Arctic countries, non-EU observer countries of the Arctic Council) have adopted interests that the EU positions, policies, priorities or norms hinder, i.e. political contestation on interests, or because the EU policies, positions, priorities and norms contradict the norms favoured by others and the EU is being urged to comply with these standards or norms, i.e. normative contestation.

As shown earlier in the relevant literature, the authority embedded in organizations, and in our case, the EU, is a major determinant of future contestation. Thus, it is a significant starting point to show how much authority the EU has with respect to the three issue areas, and for whom its authority forms a legal constraint or a political challenge. These will be outlined at the start of the analysis in each section below. Following this initial EU- level chart, the article looks at the Arctic policy/strategy documents of a select group of its member states: These are the three AC members Denmark, Sweden and Finland, and two AC observer countries Germany and France, which are chosen for the sake of them being the two biggest member states with large economies and significant military power bearing the role of political leadership that make them potentially significant actors in the Arctic among other member states of the EU. For purposes of space limitation and focus, the Arctic policies of four other AC-observer EU member states<sup>2</sup> are not included in this analysis.

Building on the inner EU dynamics and positions of EU member states, the analysis is then expanded to have a look at the positions of non-EU Arctic Council member states, namely Norway, Iceland, Russia, Canada and the US. Afterwards, the relevant documents of the non-Arctic, non-EU observer states of the AC have been analysed in the same manner as described above. The selected countries for this group include the three Asian countries China, Japan and South Korea, as well as the UK.<sup>3</sup> Last, but not least, two main international legal texts (ILO Convention 169 on Indigenous and Tribal Peoples and UN Declaration on the Rights of Indigenous Peoples) as well as policy positions declared by the Sami Council have been included in the multi-level analysis.

This article presents a critical discourse analysis of the strategy/policy documents of the relevant parties based on the discourse-historical approach. Discourse-historical

approach enables us to see the socio-philosophical orientations of different actors involved in the region and facilitates our search for the reasons of contestation to the EU stance, by looking into “the historical sources and background of the social and political fields in which discursive events are embedded” (Wodak, 2011, p. 64). The historical approach enables us to see the discourse of the documents as constructs of a certain historical and cultural context (Holzscheiter, 2014). From a Foucauldian understanding of discourse, such government strategy documents also structure thoughts and decisions of the policy makers that eventually bear consequences on the objects of these policies (Keskitalo, 2015, p. 422). Keskitalo’s stress on being “schooled in certain ways of being and thinking” (p.422-3) shows how certain ways framing knowledge shapes the dominant discourse. Critical Discourse Analysis is suited in this respect also for analysing the relationship between these different “texts” (Meyer, 2011, p. 15).

These documents are mostly published in English<sup>4</sup> and therefore consciously cater to a foreign audience. However, they also have the purpose of outlining the next steps to be followed by national bureaucracies, and therefore explicitly engage in producing the policies Keskitalo (2015, p. 422) mentions. Each of these documents (n=20) have been coded by hand with respect to their support and / or contestation of the EU stance on the three issues areas outlined in the first stage of the research. The coding also included national positions on geopolitics and other relevant issues where a strong and clear language emphasized what their national preferences are with respect to the Arctic region. Lastly, the initially outlined EU stance has then been analysed in four rounds with the aim of charting the contestation from 1. EU member states, 2. non-EU Arctic Council members, and 3. Non-Arctic, non- EU states 4. Indigenous communities on the three selected issue areas. All these data are eventually brought together to explain what types of contestation to the EU originate from inside the EU and what types from outside the EU. The conclusion rests on the comparison of these specific findings from the three issue areas.

## Environmental protection

Environmental degradation in the Arctic and the melting of ice worsen implications of climate change. Therefore this section on environmental protection does not only deal with protection of the environment and biodiversity in a narrow sense but also includes policies on climate change mitigation in this region. These policies also have implications for economic development. Therefore, national entitlements, freedoms and responsibilities of individual states come to the fore, as will be explained below.

EU policies on climate change bind the member states towards realizing certain goals and unify the member states’ norms on the levels agreed at the EU internally (Oberthür, 2019). The EU’s environmental policy is a mixed-competence area, which means that member states and the EU both have certain competences. By its nature, EU regulations and directives are binding on the member states, as well as the EEA members like Norway and Iceland for their access to the internal market, so long as the EEA agreement does not deviate from this general line in specific matters, like fisheries.<sup>5</sup> Table 1 shows the EU policies/positions/priorities and norms of the EU according to the three key official documents mentioned above.



**Table 1.** EU stance on climate change and protection of the environment in the Arctic.

EU policy	EU position	Priority	Norm/norm creation
Commission DG Clima is leads climate change policy  - based on UNFCCC and Paris agreement targets - also own internal regulations on climate, energy and protection of environment	EP (2017) – calls for a drilling ban on Arctic (icy) waters of the EU and EEA EP (2017) – users of natural resources of the Arctic should bear full environmental responsibility. These positions of EP not held up by European Commission or the Council	Priority area designated by Joint Communication Contribute to international efforts (including that of AC task force) to limit emissions of black carbon and methane. (European Commission and HR, 2016)	Self-ascribed duty to protect the Arctic environment and ecosystem. (European Commission and HR, 2016) Support for an instrument under UNCLOS for conservation and sustainable use of marine biodiversity (protected areas) in areas beyond national jurisdiction. (European Commission and HR, 2016) EP (2017) – supports establishment of a marine protected area in Arctic High Seas under mandate of the OSPAR Commission, <sup>6</sup> where the EU is stronger for prohibiting all extractive activities

Source: author's own compilation.

This table shows that as the EU is indeed committed to environmental protection in the Arctic region, and that the EP (2017) has higher aims with respect to this priority area than those upheld by the Commission and HR. The EP is also in favour of upholding fora where the EU and European states have a strong representation on the global stage.

Three rounds of analysis of , firstly EU member states' strategic documents, secondly those of non-EU Arctic states, and thirdly of non-Arctic, non-EU AC observers show that within this issue area contestation lies in the choice of institutionalization of the mechanisms for the protection of the environment. All Arctic states agree that there should be a legally binding international agreement on fishing rights and responsibilities in areas that fall beyond national jurisdiction. Whether this should be an additional agreement to the UNCLOS or be framed separately is one issue area of contestation between actors, which prefer to see UNCLOS further strengthened and others like the US that would rather keep away from UNCLOS-related institutions.

There are also bilateral cooperation agreements in this issue area like the Finland-Russia Arctic Partnership on Energy or the Norway-Russia Joint Environmental Monitor. Whether there should be further regulations in the extraction industries or prevention of pollution is a preference for some countries like Denmark (Denmark, Greenland and the Faroe Islands, n.d.) and France (Ministere des Affaires Etrangeres et du Developpement International, 2016), while others are silent on this issue.

Freedom of navigation is a significant right upheld by all parties, whereas some of them such as Canada, Russia, the US and Korea are especially engaged in icebreaking activities for this purpose. The Arctic Five (Russia, the US, Canada, Norway and Denmark) have announced in the Ilulissat Declaration (2008)<sup>7</sup> that the UNCLOS is the regulatory framework for delimitation of territorial waters, exclusive economic zones and continental shelves in the Arctic region. Norway has taken its continental shelf beyond the 200 nautical miles limit by regulations of the UNCLOS Commission on the Limits of the Continental Shelf (CLCS) and Denmark, Canada and Russia have



applied for doing the same (CBC News, 2019, May 27). Russia sees these efforts by all these countries and the decision by the CLCS as violations of its interests in the Arctic region (Presidential Decree of the Russian Federation, 2020). The EU upholds the UNCLOS but is silent on these contestations among different states. One major challenge of UNCLOS is of course to the US, which has not become a party to the Convention so far. Hence, the rights announced in the Ilulissat Declaration can be upheld for the US only through their accession to the UNCLOS<sup>8</sup>. The declaration of the Arctic Five makes the charting of territories under national jurisdictions a matter for them alone in the Arctic region, where they individually decide whether to apply to CLCS or search for other agreements.

The privileged right of the eight AC member states<sup>9</sup> to grant observer status to other countries (and the EU) on a conditional basis that is constantly being scrutinized turns the Arctic Council into the status of a club (Burke, 2019). The EU's observer status in the Arctic Council is the major contestation the EU faces in the Arctic. The EU's application for an observer status in the Arctic Council has not been formally accepted. The decision of acceptance was formerly vetoed by Canada due to the EU's ban on seal products. After the reaching of an agreement that allowed the seal products of indigenous production to be traded into the EU, Canada has lifted its veto. But now Russia continues to veto EU's formal observer status due to EU sanctions following the Crimean annexation of Russia. So the EU remains only a de-facto observer of the AC.

All these findings show that on the issue of environmental protection the main challenge for the EU is external political contestation on the choice of institutions. EU's official support to UNCLOS shows that the EU chooses to accommodate these external preferences and downplays the EP's position favouring the OSPAR Commission. None of the actors of the region negates the norms upheld by these relevant organizations. Their contestation stems from their relative positions with respect to these separate organizations.

## Indigenous people's rights

Indigenous peoples' rights can be seen as part of the general promotion of human rights or of the protection of minorities by the EU. There are several international mechanisms created for the protection of the rights of indigenous peoples. The EU is not a party to any one of these mechanisms itself, but some of its member states are. The International Labour Organization (ILO)'s Convention 169 on Indigenous and Tribal People's, adopted in 1989, and the UN Declaration on the Rights of the Indigenous Peoples (UNDRIP), adopted in 2007, are the two main international legal frameworks that govern indigenous rights globally. UNDRIP has been adopted at the United Nations General Assembly by 144 countries, and is, as such, a non-binding declaration, whereas the ILO Convention 169 is an international treaty that its parties ratify. The ILO Convention 169, was only ratified by Denmark, Luxembourg, the Netherlands, Norway and Spain among the European countries (ILO Convention 169 on Indigenous and Tribal Peoples, 1989), whereas the UNDRIP was initially opposed only by Canada and the US. Russia had abstained. The US and Canada later changed their positions to support the Declaration (UN Department of Economic and Social Affairs, n.d.).

The Sami populations of Sweden and Finland are the only recognized indigenous people of the EU -but the Sami also live in Norway and Russia-, since the Inuit of Greenland fell out of the EU's scope due to Greenland's exit from the EC's jurisdiction in 1985. The specific needs of the indigenous peoples actually require a significant commitment on the part of the EU and its member states. [Table 2](#) shows that indigenous rights are not designated as a priority area by the EU for its Arctic policy in the Joint Communication or the Council Decision, even though the EU regularly holds meetings with indigenous representatives. The emptiness of the column designated for priorities in [Table 2](#) corresponds to the silence of the EU documents on designating this issue area as a priority.

The main contestation within the EU and its member states is with regard to how powerful the indigenous peoples should be in the making of decisions on economic activities in the regions that they live in. The Sami Council, which represents the Sami living in Norway, Sweden, Finland and Russia, has adopted its own Arctic Strategy in 2019. This Strategy aims at the international recognition of Sapmi (the land where the Sami people live) and that the Sami people are treated as equals through the “de-colonizing of the Sami society and securing the Sami people’s rights to self-determination” (Sami Council, [2019](#), p. 4). It advocates “for the right of indigenous people to give or withhold their free, prior, and informed consent in non-coercive negotiations prior to activities being established and developed on their customary lands” (Sami Council, [2019](#), p. 8).

Sami populations mostly live within a traditional subsistence economy and the new mining and resource extraction initiatives threaten their way of life and economies. The Sami Council’s ([2019](#)) Arctic Strategy includes a valuable list of knowledge gaps and research needs and also investment priorities that they had presented to the Arctic Stakeholders’ Forum in 2017. This latter document shows the needs of the Sami community on the preservation of their culture, access to education, and support of trade opportunities for their products. They also propose a Sami representation in Brussels and access to EU funding. They underline the necessity for a mechanism to ensure that EU-funded projects and programmes, as well as EU-investments do not disrespect indigenous peoples’ rights, and also make sure that local people are allocated some of the

**Table 2.** EU’s stance on indigenous people’s rights in the Arctic.

EU policy	EU position	Priority	Norm/norm creation
Commission DG MARE organizes dialogue between the EU and indigenous peoples “EU should ... advanc(e) consistency between the EU’s internal and external policy towards indigenous peoples” (European Commission and the HR, <a href="#">2016</a> , p. 15)	EP ( <a href="#">2017</a> ) – The fundamental rights of the indigenous peoples must be protected with more stringent safeguards, should have the right to approve the extraction of natural resources EP ( <a href="#">2017</a> ) – support for the UNDRIP and especially their right to free, prior, informed consent before adoption and implementation of legislative and administrative measures EP ( <a href="#">2017</a> ) – suggests the establishment of an Arctic representation of indigenous peoples in Brussels		EP ( <a href="#">2017</a> ) – cites all relevant international legal documents and the rights mentioned in them as references to its Resolution

Source: author’s own compilation.

profits from these investments. The EU commits itself to ensuring that the views and rights of the Arctic indigenous peoples are respected and promoted in EU policies on the Arctic (Council of the European Union, 2017; European Commission, 2016). However, most of the actual demands of the Sami Arctic Strategy are only upheld by the EP as shown in Table 2.

That being said on the EU position, indigenous people's rights are being handled differently by the actors in the region. Starting from the outside - in, the non-Arctic, non-EU states Japan (Headquarters for Ocean Policy, 2015), Korea (Korea Maritime Institute et al., n.d.) and China (State Council of the People's Republic of China, 2018) declare their respect for indigenous peoples' rights in the undertaking of activities they plan for the Arctic region. On the other hand, it is the governments of the Arctic states that eventually decide how these rights of the indigenous peoples are to be practiced or respected. At this point, there is not much difference between the EU members and other Arctic states. Sweden (Regeringskansliet, 2011) and Canada (Canada's Arctic and Northern Policy Framework, n.d.) acknowledge their "colonial" relationship with their indigenous peoples, promise to uphold their rights and aim at a certain reconciliation. Denmark (Denmark, Greenland and the Faroe Islands, n.d.), underlines the autonomy of Greenland (and Faroe islands) to make their decisions on how to develop their economy through the extraction and utilization of resources in their territory and underlines the Greenlandic government's own responsibility to attract foreign investment by adoption of international legal standards. Norway (Norwegian Ministry of Foreign Affairs, 2014), Finland (Prime Minister's Office (2013, 2016), and Russia (Presidential Decree of the Russian Federation, 2020) merely mention the existence of their indigenous populations and that their living conditions should be elevated. The US mentions consultation with Alaska natives through the executive order of the year 2000 on "consultation and coordination with Indian tribal governments" (Executive Office of the President, 2000). Apart from being in dialogue with the indigenous peoples through the Arctic Council, mostly about EU funds and EU-led investments, the EU does not comment on the national situations of the indigenous peoples.

Indigenous peoples' rights is an issue area that the EU has the discursive advantage through its promotion of human rights. But all Arctic countries, including those which are EU members or are closely affiliated with the EU, have their own sensitivities about this issue area. This explains why the EU is silent on naming indigenous peoples' rights as a priority area for the EU. The contestation to the EU's position on indigenous rights is overwhelmingly internal and normative. If there had been an internal consensus among EU members on this issue area, then the EU could have engaged with external contestation just like it is able to do so for protection of human rights globally. However, this is not the case with respect to indigenous peoples' rights.

### **(Sustainable)#Economic development**

Economic development in the Arctic region is mainly driven by the rush to the uncovered fuel and mineral resources in the region, the establishment of new navigation routes, and the need for investing in better transport connectivity in the region. The UN Sustainable Development Goals (SDGs) or investments for further economic development are

**Table 3.** EU stance on (sustainable) economic development in the Arctic.

EU policy	EU position	Priority	Norm/norm creation
Primary responsibility lies with Arctic states. Multilateral cooperation through Arctic Council and UN. EU welcomes initiatives and actions of its member states (Council of the European Union, 2019)	EP (2017) support for international regulation of fishing in waters of the Arctic EP (2017) – use of natural resources of the Arctic should respect and benefit the local populations. EP (2017) – access to all levels of education for indigenous peoples EP (2017) – supports International Financial Institutions' (IFI) coordination on development on infrastructure and (digital) connectivity	Priority area according to Joint Communication (European Commission and HR, 2016). EP (2017) supports Investment for development of accessibility to connect rural areas with the rest of the EU, but ecological concerns about the interests of investors in the resources of the Arctic Deployment of financial instruments Deployment of innovative technologies in the Arctic to stimulate investments in energy efficiency and renewable energy. Effective access to single market	Sustainable Development Goals declared by the UN in 2015

Source: author's own compilation.

not areas where the EU aims to create more norms in the Arctic than those that already exist in the international arena.

Table 3 shows the policies, positions, priorities and norms upheld by the EU institutions in the area of (sustainable) economic development. This table also demonstrates that there are no further norms that the EU officially upholds on this issue, but that the economic development in the region is an EU priority in itself.

As part of its own activities to become engaged in the economic development of the region, the EU outlined priority areas for investment. These priority areas were investment in digital infrastructure, internal and external transport connections, support to development of local businesses, especially on bio-economy, renewable energy production, sustainable tourism and suitable use of natural resources. The EU has also outlined funding for research on climate change, and its mitigation, adaptation to climate change as well as development opportunities that enhance climate resilience (European Commission, 2017).

All EU member states start their strategy documents by stating how significant sustainable development and protection of the Sami livelihoods are for them. Some member states (Sweden [Regeringskansliet, 2011]) and (Germany [The Federal Government, 2019]) devote further space to these concerns than others (France [Ministère des Affaires Étrangères et du Développement International, 2016]). However, all member states declare in detail that they want to have the best of the mining, drilling and investment opportunities that the region presented. Many of them (Finland [Althingi, 2011]), and Denmark [Denmark, Greenland and the Faroe Islands, n.d.]) also openly call for foreign investments into the region and plan on creating conducive regulatory environments to facilitate foreign direct investments (FDI). Finland cooperates extensively with the Russian mining and energy sectors. The Danish government explicitly frames the revenues of the mineral resources sector to be taken by Greenland's self-government as a way of paving the way for their financial independence, and alleviating burden from the Danish budget (Denmark, Greenland and the Faroe Islands, n.d.).

The non-Arctic member states are not less ambitious, France (Ministère des Affaires Étrangères et du Développement International, 2016) declares that they need to ensure security of strategic minerals from the region, which are vital for their high-tech defence sector. France also suggests that the energy resources of the region should be integrated into the EU's energy security strategy, which has not materialized until today. Germany (The Federal Government, 2019) is the only member state that supports legally binding regulations on extraction of mineral resources, a complete ban on heavy fuel oil as in Antarctica, rejects use of nuclear-powered applications, and commits to further designation of protected areas without economic use among Arctic states (i.e. also in areas within national jurisdictions).

Among non-EU Arctic states, Norway (Norwegian Ministry of Foreign Affairs, 2014) and the US (President of the United States, 2013, 2014) are positioned similar to EU states' approach towards enhancing their own opportunities in the region for commercial gains, resources and improving connectivity. Iceland (Althingi, 2011), Canada (Canada's Arctic and Northern Policy Framework, n.d.) and Russia (Presidential Decree of the Russian Federation, 2020) have more inward-looking documents focused on their own developmental goals. Iceland would like to promote trade and business opportunities within the Arctic region. Canada is almost entirely focused on reconciling with their three indigenous groups, the Inuit, the Métis and the First Nations in their development projects.

Russian documents mention the country's need of further (foreign) investments as its major problem (Presidential Decree of the Russian Federation, 2020; Russian Federation, 2008). Cooperation with Finland and Norway may be partially catering to this need. Russia plans for establishment of further transport and communication lines along the Northern Sea Route<sup>10</sup>, with a clear preference for state management of the socio-economic development in the region. South Korea is very much interested in the commercialization of the Northern Sea Route (Korea Maritime Institute et al., n.d.). China (State Council of the People's Republic of China, 2018) and Japan (Headquarters for Ocean Policy, 2015) also see that this route is their shortest way into the Atlantic Ocean, which make all three of them partners for Russia, whereas Western investments stand at a distance due to sanctions on Russia.

Economic opportunities are the main reason why non-Arctic states are interested in this region. All of the four countries analysed have rather solid plans about what they would like to do in this region. China would like to build a "Polar Silk Road" (State Council of the People's Republic of China, 2018) in addition to its famous Belt and Road initiative<sup>11</sup>, whereas the UK plans to offer financial services (especially maritime insurance) for businesses investing in the Arctic region. The UK also contributes to shaping many governance frameworks through initiatives such as the Voluntary Principles on Security and Human Rights in the Extractive Industries, and the Extractives Industries Transparency Initiative, which apply to mines in the Arctic and elsewhere (HM Government, 2018).

All of the non-Arctic actors agree that fishing in the high seas of the Arctic should be a regulated right for all, with the resources of the region being protected by an international agreement. The UK contribution to governance through creation of new norms on extractive industries makes the UK a potential ally for the EU in general for the future efforts for regulation. However, the fact that this regulation is most urgently needed in the area of fishing would probably not make the EU regulations the favourable

choice for the UK, Norway, and Iceland that want to stay detached from the EU on fisheries.

These findings show us that the main contestation for the EU in the area of upholding (sustainable) economic development is normative and external. Even though the EU's own regulations on (sustainable) economic development and protection of the environment inclusive of extractive industries are binding on its member states, the rest of the Arctic actors have no desire to be bound by EU regulations. This situation makes the EU's internal normative influence fade away in the region. The Danish government's call for neoliberal FDI norms to be the prevalent force of Greenlandic economic development is illustrative of this point.

Market forces and preferences of the industry become therefore the major drivers of economic development in the Arctic region. As illustrated by the establishment of the Arctic Economic Council (AEC) during Canada's 2013-2015 Chairmanship of the Arctic Council, state interests are intertwined with interests shown to the region by businesses. However, AEC is an independent business organization that seems to respect indigenous populations more than some AC states do when linking large and small businesses from AC member states and the AC member indigenous organizations with non-Arctic businesses (Arctic Economic Council, 2020).<sup>12</sup>

## Conclusion

The basic norms of climate change mitigation, sustainable development goals, and respect for indigenous rights are accepted by all governments that have any interests in the Arctic region, at least rhetorically. The discourse historical approach used in this article, however, reveals that with respect to recognition and protection of indigenous peoples' rights, the policy of each country depends on how they have framed their relationship with their own indigenous populations through history, as shown through the examples of Canada and Sweden compared with those of Denmark, Finland, or Russia. This historical framing of the relationship then determines how the extraction industries are to be regulated: The Danish example prioritizes an expectation from the Greenlandic government for passing FDI friendly regulations and raising of its revenues instead of protective regulations on environment or preservation of traditional livelihoods of the Greenlandic population. The Russian example favours strong state control on the socio-economic development of the region.

Outsiders to the region, whose policies are not historically shaped through a power relationship with these indigenous communities draw their own rhetoric in a manner that would 'fit' the actors they find most beneficial to engage with. The chosen Asian actors, South Korea, China and Japan cooperate with Russia for the investments and navigation routes across the Northern Sea Route. The UK approaches industries through provision of services like insurance for navigation and regulation of extractive industries. The EU, however, chooses to engage with all Arctic countries and all Arctic communities. The historical relationships of its members with their Sami populations limit policy options of the EU, whereas the EU's own history of upholding human and minority rights as well as its standards of environmental protection make the EU a favourable actor in its relations with the Sami communities, and enables the EP to



support the demands of the Sami communities, as the EU's only recognized indigenous population.

Within such a historically-set power relationship observable through official discourses, the above analysis of these three distinct issue areas with respect to contestation to the EU reveals that on environmental protection the contestation is institutional, therefore political, and external to the EU; on (sustainable) economic development, normative and external; and with respect to indigenous rights, the contestation is normative and internal. A comparative analysis of how the EU has formulated its policies under such circumstances reveals some interesting findings about how the EU tackles different types of contestation:

The EU faces paralysis in the case of internal normative contestation and cannot pursue global policies that go beyond the least common denominator across its member states. However, in its own bilateral relationships with the indigenous peoples' organizations, the EU adheres to principles of respect and support that would not disturb its member states. The true normative standing on indigenous peoples' concerns is upheld by the EP. Unlike the Commission or the HR, the EP's position is facilitated with the fact that it does not need to bear the burden of intra-EU tensions across member states. This lack of political burden enables the EP to become the voice of the 'Normative Power Europe' that would be expected of the EU in its entirety. The absence of internal political burden as a facilitator of voice is worth looking further into in future research on issues relating to EU's engagement with normative contestation.

Where the contestation from the outside is about extension of EU's internal regulations to geographies beyond the EU in the Arctic region, the EU seems to be unable to export its internal norms. This finding runs contrary to the experience of the EU in other areas in its immediate neighbourhood like the candidate countries, Eastern Partnership or the Mediterranean.<sup>13</sup> The main difference from these cases is that the EU is not the actor determining the rules of access to the 'club' in the Arctic region and its presence in the AC depends on the convenience of the AC member states, as shown by the Russian and Canadian vetoes. This case shows us that the EU is only able to export its internal norms to other countries/regions where it is on the stronger side of an asymmetric relationship.

This brings us to the first case study on the environmental protection in the Arctic where the contestation is external and political with respect to competing institutions that could regulate on issues relating to the law of the sea and use of natural resources beyond national jurisdictions. In the face of external political contestation, in a region where the EU is not the dominant actor, the EU has chosen to promote the most widely favoured institution (UNCLOS Commission) among the several options that existed, including bilateralism between the major actors, rather than pursuing an option (OSPAR Commission) that may leverage its own interests but antagonize others. In this case, the EU has adopted a normative response to political contestation by choosing institutionalized multilateralism over bilateralism through supporting the most favoured institution among the other actors. Further comparative research employing the discourse-historical approach should be done with respect to different types of contestation that the EU faces, in order to reveal further patterns about how historically embedded power relationships determine the EU's framing of contestation and therefore also its responses.



## Notes

1. For a background reading of the processes of evolution of the positions by each of the EU institutions as well as that of the HR/VP, see Andreas Raspotnik (2018).
2. The Netherlands, Spain, Italy and Poland are the other EU member states that are observers in the AC (Arctic Council, 2020).
3. Other non-Arctic, non-EU observers of the AC include Switzerland, India and Singapore (Arctic Council, 2020).
4. All of these documents except the Russian ones have been published (also) in English. The two Russian documents (the Bases of State Policy, 2020 and the Foundations of State Policy, 2035) were published only in Russian. They have been translated via google translate and have been read in combination with the SIPRI Comment (Klimenko, 2020) and The NATO Defence College document review (Buchanan, 2020) written specifically on these documents.
5. Fisheries is a policy area where Norway and Iceland derogate from the EU *acquis* permanently and retain their national legislation. For more on this subject, see Gstöhl (1994).
6. For further information on what the OSPAR Commission is see, OSPAR Commission (n.d.).
7. The Ilulissat Declaration was adopted at the Arctic Ocean Conference initiated by the Danish and Greenlandic governments and took place on 27-29 May 2008 in Greenland, Ilulissat.
8. At that time the US, under Obama administration had announced that it would work towards acceding to the UNCLOS. President of the United States (2014).
9. The US, Canada, Russia, Denmark and Norway, Iceland, Sweden and Finland.
10. Northern Sea Route is the official name of the Russian Arctic Coast.
11. One Belt, One Road has been at the centre of China's foreign infrastructure investments since its launch as the 'New Silk Road' in 2013. For more on China's initiative see, Alice Ekman (2015), 'China reshaping the Global Order?' *EU ISS Issue Alert*, 24 July;
12. For more on the work of AEC, and how they seem to successfully include indigenous economies and traditional knowledge alongside other Arctic business interests in a non-political setting, see <https://arcticeconomiccouncil.com/>
13. As an example of the vast literature on the influence of the EU beyond its borders see Lavenex and Schimmelfennig (2009).

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